

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and THEFACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and THEFACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**FACEBOOK DEFENDANTS' RESPONSES TO PLAINTIFF'S AND
COUNTERDEFENDANTS' SECOND REQUEST FOR THE PRODUCTION OF
DOCUMENTS AND THINGS (NOS. 171-185)**

Defendants Mark Zuckerberg, Dustin Moskowitz, Andrew McCollum, Christopher Hughes and TheFacebook, Inc. (the "Facebook Defendants") hereby collectively respond to the second request for the production of documents and things ("Second Requests") by Plaintiff and Counterclaim Defendant ConnectU LLC and additional Counterdefendants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra (collectively "Plaintiff") as follows:

GENERAL RESPONSES AND OBJECTIONS

The Facebook Defendants have not yet completed investigation and discovery or preparation for trial. It is anticipated that further discovery, independent investigation, legal research, expert consultation and analysis will supply additional facts and documents, add meaning to known fact, and establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the responses offered at this time. The following responses are given without prejudice to the Facebook Defendants' right to produce evidence of any subsequently discovered fact or facts that the Facebook Defendants may later develop. Accordingly, the Facebook Defendants reserve the right to change any and all responses given below as additional facts are ascertained, analyses are made, legal research is completed, and contentions are made. The responses below are made in a good faith effort to supply as much factual information as is presently known, but should in no way be used to the prejudice of the Facebook Defendants in relation to further discovery, research, or analysis.

The Facebook Defendants object to these Requests because Plaintiff has failed to sufficiently identify its trade secrets; as a result, the Facebook Defendants have filed a motion for a Protective Order, which is pending before this Court. In addition, the Facebook Defendants object to these Requests to the extent they request post-May 21, 2004 financial documents, as these documents also are the subject of the Facebook Defendants' pending motion for a protective order.

The Facebook Defendants object to these Requests to the extent they seek information that is not within the Facebook Defendants' current knowledge, is a matter of public record, is within the files and/or particular knowledge of Plaintiff and/or their agents, or is otherwise equally available to Plaintiff.

A statement herein agreeing to produce responsive documents does not mean that responsive documents necessarily exist in the possession, custody, or control of the Facebook Defendants.

REQUEST FOR PRODUCTION NO. 179:

All documents sufficient to identify, constituting, or concerning design and technical documentation and/or specifications for thefacebook.com website, code, or database, from November 1, 2003 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 179:

The Facebook Defendants object to this Request as compound, overbroad, unduly burdensome, vague and ambiguous, including without limitation, by requesting "technical documentation and/or specifications." The Facebook Defendants also object to this Request as overbroad and unduly burdensome to the extent it is duplicative of other requests for documents, including without limitation, Request Nos. 62, 63, and 67. The Facebook Defendants also object to this Request on the grounds that it seeks documents that are not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. The Facebook Defendants further object to this Request to the extent that it calls for the Facebook Defendants' confidential, proprietary, commercially sensitive, and/or trade secret information. Without waiving the general and specific objections set forth above, the Facebook Defendants have already performed a reasonable search, but will produce additional responsive documents to the extent such documents are newly discovered.

REQUEST FOR PRODUCTION NO. 180:

All documents sufficient to identify, constituting, or concerning database definitions for thefacebook.com website from November 1, 2003 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 180:

The Facebook Defendants object to this Request as overbroad, unduly burdensome, vague and ambiguous, including without limitation, by requesting "database definitions." The Facebook Defendants also object to this Request as overbroad and unduly burdensome to the extent it is duplicative of other requests for documents, including without limitation, Request No. 67. The Facebook Defendants also object to this Request on the grounds that it seeks documents that are not relevant to the subject matter of this action, nor reasonably calculated to lead to the

discovery of admissible evidence. The Facebook Defendants further object to this Request to the extent that it calls for the Facebook Defendants' confidential, proprietary, commercially sensitive, and/or trade secret information. Without waiving the general and specific objections set forth above, the Facebook Defendants have already performed a reasonable search, but will produce additional responsive documents to the extent such documents are newly discovered.

REQUEST FOR PRODUCTION NO. 181:

All computer program code written by Mark Zuckerberg or any other person prior to Mr. Zuckerberg's first work on the code for thefacebook.com website, which Mr. Zuckerberg or any other person incorporated into the code for thefacebook.com website in whole or in part, and/or in modified or unmodified form, in the form in which such code existed before Mr. Zuckerberg's work on the code for thefacebook.com website first began.

RESPONSE TO REQUEST FOR PRODUCTION NO. 181:

The Facebook Defendants object to this Request as overbroad, unduly burdensome, vague and ambiguous, including without limitation by requesting "incorporated into." The Facebook Defendants also object to this Request as overbroad and unduly burdensome to the extent it is duplicative of other requests, including without limitation, Request No. 69. The Facebook Defendants also object to this Request on the grounds that it seeks documents that are not relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. The Facebook Defendants further object to this Request to the extent that it calls for the Facebook Defendants' confidential, proprietary, commercially sensitive, and/or trade secret information. Without waiving the general and specific objections set forth above, the Facebook Defendants have already performed a reasonable search, but will produce additional responsive matter to the extent it is newly discovered.

REQUEST FOR PRODUCTION NO. 182:

All computer program code for Mr. Zuckerberg's project that he called coursematch.

RESPONSE TO REQUEST FOR PRODUCTION NO. 182:

The Facebook Defendants object to this Request as overbroad, unduly burdensome,

Dated: October 5, 2005.

Respectfully submitted,

/s/ Robert D. Nagel

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